

Remarks

According to the Office Action mailed on January 25, 2005 (the "Office Action"), Claims 1-20 are pending in the application. Claims 1-7, 10-17 and 20 have been rejected under 35 U.S.C. § 103(a). Claims 8, 9, 18 and 19 have been objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

More particularly, claims 1-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over "Recent Progress in the Development of a Clinically Useful Microencapsulated Olfactory Function Test" by Doty et al. (the "RPDOT") in view of WO 89/00398 of Cotman ("Cotman") and U.S. Patent No. 2,977,689 of Rugland et al. ("Rugland '689"). In addition, claims 14-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over RPDOT in view of Cotman, Rugland '689 and Buschke 5,230,629 ("Buschke '629").

Applicants have now amended their claims to more particularly point out and distinctly claim the subject matter they regard as the invention. Applicants also offer the following remarks to address the objections to and the rejections of their claims. Applicants respectfully request reconsideration of the application in view of such remarks and amendments.

I. CLAIMS 2-4, 8-13, 15 and 18-20 AS AMENDED, ARE IN CONDITION FOR ALLOWANCE.

According to the Office Action, claims 8, 9, 18 and 19 have been objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claim 8 to include all of the limitations of the base claim from which it depends, *i.e.* claim 1. Claim 9 depends from claim 8 and therefore includes all of the limitations of base claim 1 and intervening claim 8. Applicants have also amended claim 18 to include all of the limitations of the base claim from which it depends, *i.e.* claim 14. Claim 19 depends from claim 18 and therefore includes all of the limitations of base claim 14 and intervening claim 18.

In addition, Applicants have amended claims 2, 3, 4, 10, 11, 12 and 13 by making each of them depend from amended claim 8. As a result, amended claims 2, 3, 4, 10, 11, 12 and 13 include all of the limitations of base claim 8, as amended. Still further, Applicants have amended claims 15 and 20 by making each of them depend from amended claim 18. As a result, amended claims 15 and 20 include all of the limitations of base claim 18, as amended.

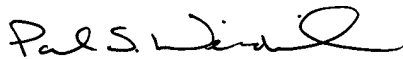
Applicants have canceled claims 1, 5, 6, 7, 14, 16 and 17.

Accordingly, Applicants respectfully submit that claims 2-4, 8-13, 15 and 18-20, as amended, are in condition for allowance.

II. CONCLUSION

For all of the foregoing reasons, Applicants respectfully submit that the objections to claims 8, 9, 18 and 19 cited in the Office Action mailed on January 25, 2005 should be withdrawn, and claims 2-4, 8-13, 15 and 18-20 as amended, should be allowed.

Respectfully submitted,



Paul S. Weidlich
Reg. No. 43,980
Attorney for Applicant
Chambliss, Bahner & Stophel, P.C.
1000 Tallan Building
Two Union Square
Chattanooga, Tennessee 37402-2500
423/756-3000 (telephone)
423-265-9574 (facsimile)